

1 or Keyser Investments or even Gerstell paper -- writing paper.  
2 I don't even know if those companies have stationary.

3 Q All that's really done on the time and at the place  
4 of Sinclair, is it not?

5 A On the time and at the place?

6 Q During your normal working hours at Sinclair is when  
7 you take care of all these other entities as well.

8 A Yeah. That's correct.

9 Q And the secretary does whatever you tell her to do,  
10 regardless of which entity you're working on or for at the  
11 time.

12 A The secretary does what?

13 Q If you want to write a letter involving any of the  
14 businesses on this sheet, you ask Lonnie to do it. Is that  
15 correct?

16 A Well, sometimes I'll write it out myself by hand and  
17 give it to her to type. Other times, I'll type it myself. I  
18 have a computer at my desk.

19 Q But she would do it. Isn't that correct? She would  
20 finalize it.

21 A She would -- yeah, she would finalize the letter.

22 Q And what letterhead is in the printer that your  
23 letters are printed on?

24 A I just have plain paper in mine and it's a rough  
25 draft. She looks at it and corrects it for spelling and

1 grammar and then puts it in her machine. We swap disks. She  
2 cleans it up and makes it presentable.

3 Q Can you give us any idea of how much of your time in  
4 a normal working day you spend on Sinclair as opposed to any  
5 or all of the other entities?

6 A I think, like I said in my deposition, that, you  
7 know, there are times when it's a couple of hours a day for  
8 Sinclair, other times where it's a couple of hours every three  
9 days. Other times it's, you know, six hours, eight hours a  
10 day or more. It's --

11 Q But you can't break it down anymore than that.

12 A It's impossible to.

13 Q You can't tell me --

14 A Unless I started keeping a record of everything and  
15 every phone call I made, every phone call I took. It's hard  
16 for me to do that.

17 Q Do you have a diary on your desk?

18 A I don't have a diary. I have a daytimer.

19 Q And do you keep all your appointments for whatever  
20 entity on that one daytimer?

21 A The ones that I want to write down, I put in there.

22 Q So you don't have a daytimer for Bay Television and  
23 the other --

24 A No, no.

25 Q And you can't say that you spend more or less than

1 half of a normal business day on Sinclair. Is that correct?

2 A I couldn't say more or less a half -- no, I couldn't  
3 say that it's more than a half a day. I couldn't say that it  
4 was less.

5 Q And you can't -- you really just can't break down  
6 your time on a daily basis. Is that what you're saying?

7 A I can't give you an accurate -- like I said, every  
8 day is different and there are some days where we're --  
9 there's three or four of us sitting there and we're going all  
10 day long on one station, on one issue, and there are other  
11 times where, you know, the discussions will be very general  
12 about the entire company, Sinclair Group, where we're going,  
13 what we're going to do, you know --

14 Q And if I were to ask you --

15 A -- where we've been.

16 Q I'm sorry. I didn't mean to interrupt. Were you  
17 through?

18 A I'm through.

19 Q If I were to ask you the same questions about how  
20 your brothers' days are broke down based on your knowledge,  
21 you couldn't do any better either, could you?

22 A I'd have to tell you that theirs is essentially the  
23 same as mine.

24 MR. LEADER: Haven't we gone over this?

25 JUDGE SIPPEL: I think so. Are you about finished?

1 MR. GREENEBAUM: We're through with that. I'm  
2 through with that.

3 JUDGE SIPPEL: Do you have any more questions of the  
4 witness?

5 MR. GREENEBAUM: Yes, I do. I appreciate your  
6 patience, Mr. Leader, but these are -- I can see it's a  
7 difficult area in cross examination, to draw a bright line as  
8 to where to stop and where to start.

9 MR. LEADER: I think I've been very patient.

10 JUDGE SIPPEL: Well, I said patient.

11 BY MR. GREENEBAUM:

12 Q As I understood your deposition testimony, all of  
13 the corporations have their board meetings as scheduled in  
14 their by-laws. Is that correct?

15 A They're supposed to have them whenever the by-laws  
16 say they are.

17 Q Does September ring a -- I mean February ring a bell  
18 with you?

19 A Yes.

20 MR. LEADER: It's been asked and answered already.

21 JUDGE SIPPEL: Not by this witness.

22 MR. GREENEBAUM: Not by this witness.

23 MR. LEADER: I think so.

24 MR. GREENEBAUM: No, I asked a few, but I didn't --

25 JUDGE SIPPEL: He didn't get to this. I know.

1 BY MR. GREENEBAUM:

2 Q Are there minutes of those annual meetings, Mr.  
3 Smith?

4 A There should be.

5 Q And how about the shareholders' meetings? Should  
6 there be minutes of them as well?

7 A They're all -- they all happen at the same time.

8 Q And who keeps the minutes of those meetings as they  
9 take place?

10 A The secretary.

11 Q And who is the secretary of Four Jacks?

12 A To tell you the truth, I don't recall. I think  
13 Duncan is.

14 Q And what is the secretary supposed to do with the  
15 minutes after they're taken?

16 A Give them to Lonnie to type and put in the minutes  
17 book.

18 Q And have you seen any minutes of Four Jacks since it  
19 was incorporated?

20 A No.

21 Q Are you aware of any business Four Jacks has  
22 conducted other than filing the application in this proceeding  
23 for Channel Two?

24 A No.

25 Q Do you recall any informal get-together when the

1 business of the corporation was discussed between you and your  
2 brothers?

3 A Sure. I don't remember the exact dates. It's  
4 pretty clear by now that everything happens as you described  
5 in my deposition. I think ad hoc was the term.

6 Q And you haven't seen any minutes of those meetings  
7 or notes of those meetings.

8 A Because there aren't any.

9 Q Was there ever a decision not to take notes or to  
10 have minutes at any Four Jacks' meetings or conversations?

11 A No.

12 Q When do you recall first discussing or hearing about  
13 the possibility of challenging the Channel Two renewal  
14 application?

15 A It was in '90 or '91, a couple of years ago.

16 Q Do you recall that it was somewhere towards the end  
17 of the summer or fall of 1991 rather than 1990?

18 A I think so, yeah.

19 Q Page 65 of your deposition, Line One,

20 "Q When do you recall first discussing  
21 or hearing about the possibility of  
22 challenging the Channel Two renewal  
23 application?

24 A The first possibility of challenging?  
25 That would be somewhere in the middle,

1                   towards the end or summer/fall of '91."

2                   Does that refresh your recollection?

3           A     I'm sorry. What page are you on?

4           Q     Page 65, Line One.

5           A     Yeah, that's correct.

6           Q     And do you recall this question? Line Seven,

7           "Q     Where did that discussion or information  
8                   come to you?

9           A     Where did it come to me?

10          Q     Yes.

11          A     From counsel."

12                Do you recall that that was an issue or an  
13 opportunity raised by counsel?

14          A     Yes.

15          Q     And do you recall the question on Line 12?

16          "Q     Had you had any discussions with your  
17                   brothers or anyone other than counsel  
18                   before having the discussion with  
19                   counsel at the time you just indicated?

20          A     Before counsel came to us with it?

21          Q     Yes.

22          A     No."

23                Do you recall those questions and answers?

24          A     Yes.

25          Q     And they are accurate to the best of your knowledge

1 and recollection?

2 A Yes.

3 Q Now, and as I understand it, the continuation of the  
4 management committee approach that you and your brothers had  
5 been using at Sinclair has not been discussed so far as Four  
6 Jacks is concerned. Is that correct?

7 A There's no reason to assume it would change.

8 Q Well, that's not my question. It's never been  
9 discussed, has it?

10 A I don't think we have discussed it specifically for  
11 Four Jacks because every time we start a new company,  
12 everything is sort of -- the operation flows in terms of the  
13 way we do things.

14 Q Well, let me call your attention to Page 64 of your  
15 deposition and we're talking about Channel Two and on Line  
16 Four,

17 "Q And notwithstanding the specific titles  
18 and assigned duties --"

19 MR. R. SMITH: What page?

20 JUDGE SIPPEL: What page?

21 MR. GREENEBAUM: 64.

22 JUDGE SIPPEL: And where are you, sir?

23 MR. GREENEBAUM: Line Four.

24 "Q And notwithstanding the specific titles  
25 and assigned duties, there is going to



1                   be a continuation of the management  
2                   committee approach. Is that correct?  
3           A     That hasn't been discussed.  
4           Q     It's never been discussed?  
5           A     No."  
6           Do you recall that?  
7           A     Yes.  
8           Q     That's true and accurate?  
9           A     It's true and accurate.  
10          Q     Do you have any interests or obligations of any kind  
11   that require you to devote time to things other than the  
12   family's broadcast business?  
13          A     No.  
14          Q     How about tennis?  
15          MR. LEADER: What about it? What's the question?  
16          MR. GREENEBAUM: I think the question --  
17          MR. LEADER: I mean, do you want to go hit a few?  
18          BY MR. GREENEBAUM:  
19          Q     You're a member of the U.S.T.A., aren't you?  
20          A     Yeah, but that's like being a member of a magazine.  
21          Q     And do you belong to any tennis clubs?  
22          A     Yes.  
23          Q     Which ones?  
24          A     Green Spring Racquet Club.  
25          Q     And I believe your brother, Fred, is a member there

1 as well. Is that correct?

2 A Yes.

3 Q And you do battle there weekly, in your words?

4 A Not this year. We did back -- if you're quoting my  
5 deposition, that was correct.

6 Q Well, that was this year. That was just a few --

7 A Well, the winter season just started about a month  
8 and a half ago. I think this took place two or three months  
9 ago.

10 Q You reserve time in the winter indoors, do you not?

11 A Yes.

12 Q So you'll do that again this winter.

13 A Yes.

14 Q And when I asked you on Page 53 of your deposition,  
15 Line Four -- or Line Two,

16 "Q I believe your brother Fred is a member  
17 there as well. Is that correct?

18 A We do battle there weekly.

19 Q That was my next question. How  
20 frequently do you all battle there?

21 A During the winter, usually once a week.

22 Q Do you all have reserve times?

23 A Um-hmm.

24 Q What are they?

25 A I don't know what it's going to be for

1                   this year, but last year we played  
2                   every -- it's either Wednesday or  
3                   Thursday from 5:00 to 7:00."

4                   Do you recall that?

5           A       Yes.

6           Q       And that's what you anticipate doing this year as  
7 well, is it not?

8           A       Yes.

9           Q       And you play with others as well as Fred, do you  
10 not?

11          A       Yes.

12          Q       And you hit with the pros, also.

13          A       Yes.

14          Q       So -- and as I understood it, you had set times,  
15 which was Monday from 5 p.m. to 7 p.m. and then like -- and  
16 then Fred and you would play either on Wednesdays or Thursdays  
17 from five to seven and you would also get time with the pros  
18 on your own. Isn't that correct? That's Page 54, Line Eight  
19 through Fifteen if you'll take a look at that.

20          A       Yes.

21          Q       And you've also joined the Merritt Athletic Club,  
22 have you not?

23          A       I cancelled it.

24          Q       When did you do that?

25          A       About two months ago. I never used it.

1 MR. GREENEBAUM: Your Honor, if you could just maybe  
2 give us five minutes, we'll see if that will do it and we can  
3 close up today.

4 JUDGE SIPPEL: Fine. I will -- we'll have redirect,  
5 of course, and you know --

6 MR. LEADER: We may not.

7 JUDGE SIPPEL: May not, all right. Well, let's come  
8 back at --

9 MR. LEADER: One question on redirect. I take that  
10 back. Only one.

11 JUDGE SIPPEL: Well, I'll give you two just in case.

12 MR. GREENEBAUM: Can we have a standing objection to  
13 both of them?

14 JUDGE SIPPEL: That's right. So I can't rule on  
15 them yet. We'll break until 4:00.

16 (Off the record at 3:53 p.m. to reconvene at 4:00  
17 p.m.)

18 JUDGE SIPPEL: We're on the record. Mr. Greenebaum?

19 MR. GREENEBAUM: Let us just say that we've kept our  
20 commitment. I am through.

21 JUDGE SIPPEL: You're finished. Now, we have Mr.  
22 Leader's question.

23 REDIRECT EXAMINATION

24 BY MR. LEADER:

25 Q If you know, Mr. Smith, before your father died, did

1 Channel 45 award scholarships in his name to minority students  
2 who studied mathematics and electronics?

3 A Yes.

4 JUDGE SIPPEL: That's it?

5 MR. LEADER: That's it.

6 JUDGE SIPPEL: Any redirect -- recross on that?

7 MR. GREENEBAUM: No.

8 JUDGE SIPPEL: I don't have any questions. You're  
9 excused as a witness. You are not to discuss your testimony  
10 with any of the other witnesses for Four Jacks until your  
11 entire case is completed which should be tomorrow. So you do  
12 understand that.

13 MR. R. SMITH: Yes, sir.

14 JUDGE SIPPEL: You're excused. We're -- Mr. Howard?

15 MR. HOWARD: I've got -- on the telephone area code,  
16 Your Honor. If you want to do it tomorrow, tomorrow morning,  
17 it won't take long.

18 JUDGE SIPPEL: I don't think you're going to take  
19 longer than thirty seconds or so.

20 MR. HOWARD: No. In terms of going to the records  
21 of the phone company, Your Honor, it states that effective  
22 November 1, 1992, you must use the correct area code, the 410  
23 area code.

24 JUDGE SIPPEL: The -- it's --

25 MR. HOWARD: 410.

1 JUDGE SIPPEL: -- 410 for Baltimore.

2 MR. HOWARD: Yes. It was the mandatory area code as  
3 of November 1, 1992, source, C & P Telephone Company White  
4 Pages for '92/93.

5 MR. GREENEBAUM: I want to see the underlying  
6 documents.

7 MR. HOWARD: We brought the original. Somebody  
8 brought the original document here.

9 JUDGE SIPPEL: I will take official notice of that  
10 date and I don't have immediate recall. I know what the  
11 subject matter was that it referred to, but --

12 MS. SCHMELTZER: It concerned the Community Advisory  
13 Board, however it was --

14 MR. LEADER: It was Mr. Kleiner's notes. He had --  
15 on the Community Advisory Board, he had the annotated -- the  
16 zip -- the area code of one of the numbers, 410. It said 410  
17 and you said you had relatives in Baltimore and you knew that  
18 it had recently changed and you asked Mr. Howard to --

19 JUDGE SIPPEL: It's all coming back.

20 MR. HOWARD: I hate to bring all this back up  
21 because -- you directed me, sir, to -- there were notes from  
22 the secretary that said 410 and it went to the time of the  
23 agreement.

24 JUDGE SIPPEL: I do recall, I do recall.

25 MS. SCHMELTZER: However, this pertained to our

1 exhibit. It was a Four Jacks exhibit.

2 JUDGE SIPPEL: Which was not received. It was  
3 marked, but not received. I know exactly what it is now.  
4 We're going to be -- we're going to be in recess until 9:30  
5 tomorrow morning. We have just one more witness to complete.  
6 Is that correct?

7 MR. LEADER: Yes, sir.

8 JUDGE SIPPEL: All right. I thank you both very  
9 much. This was a very efficient afternoon.

10 (Whereupon, at 4:05 p.m. on Monday, November 15,  
11 1993, the hearing adjourned.)  
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APPLICATIONS OF SCRIPPS HOWARD BROADCASTING COMPANY  
**Name** AND FOUR JACKS BROADCASTING, INC.

MM DOCKET NO. 93-94  
**Docket No.**

WASHINGTON, D.C.  
**Place**

NOVEMBER 15, 1993  
**Date**

We, the undersigned, do hereby certify that the foregoing pages, numbers 1065 through 1278, inclusive, are the true, accurate and complete transcript prepared from the reporting by MARYKAE FLEISHMAN in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

November 29, 1993  
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